

AMENDED IN ASSEMBLY JANUARY 7, 2002

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 352

**Introduced by Assembly Member Runner
(Principal coauthor: Assembly Member La Suer)**

February 16, 2001

~~An act to add and repeal Title 6.7 (commencing with Section 13940) of Part 4 of, and to add a title heading immediately preceding Section 13980 of Part 4 of, the Penal Code, relating to crime prevention. An act to amend Section 12001.1 of the Penal Code, relating to undetectable knives.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 352, as amended, Runner. ~~Crime prevention: DISARM program~~ Undetectable knives.

Existing law provides that any person who commercially manufactures or causes to be commercially manufactured, knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any undetectable knife is guilty of a misdemeanor. Existing law also defines an “undetectable knife” to mean any knife or other instrument, that among other criteria, is not detectable by a metal detector set at standard calibration.

This bill would revise the definition of “undetectable knife” to include any knife or other instrument that, among other criteria, is not detectable by a metal detector or magnetometer, as specified.

~~Existing law establishes various crime prevention programs.~~

~~This bill would, contingent upon an appropriation in the 2001–02 Budget Act to local law enforcement agencies for this purpose, establish the DISARM program, as specified, to assist local law enforcement with enforcing compliance with court ordered conditions of probation prohibiting the possession of guns.~~

~~This bill additionally would require the Board of Corrections to develop a research design for assessing the effectiveness of the DISARM program and submit a final report to the Governor and Legislature by January 1, 2005, on the effectiveness of the DISARM program.~~

~~This bill would provide that its provisions would remain in effect only until January 1, 2006, and as of that date would be repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~–no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.~~ Title 6.7 (commencing with Section 13940) is
 2 ~~SECTION 1.~~ Section 12001.1 of the Penal Code is amended
 3 to read:
 4 12001.1. (a) Any person in this state who commercially
 5 manufactures or causes to be commercially manufactured, or who
 6 knowingly imports into the state for commercial sale, keeps for
 7 commercial sale, or offers or exposes for commercial sale, any
 8 undetectable knife is guilty of a misdemeanor. As used in this
 9 section, an “undetectable knife” means any knife or other
 10 instrument with or without a handguard that is capable of ready use
 11 as a stabbing weapon that may inflict great bodily injury or death
 12 that is commercially manufactured to be used as a weapon and is
 13 not detectable by a metal detector *or magnetometer, either*
 14 *handheld or otherwise, that is* set at standard calibration.
 15 (b) Notwithstanding any other provision of law, commencing
 16 January 1, 2000, all knives or other instrument with or without a
 17 handguard that is capable of ready use as a stabbing weapon that
 18 may inflict great bodily injury or death that are commercially
 19 manufactured in this state that utilize materials that are not
 20 detectable by a metal detector *or magnetometer,* shall be
 21 manufactured to include materials that will ensure they are

1 detectable by a metal detector *or magnetometer, either handheld*
2 *or otherwise, that is* set at standard calibration.

3 (c) This section shall not apply to the manufacture or
4 importation of undetectable knives for sale to a law enforcement
5 or military entity nor shall this section apply to the subsequent sale
6 of these knives to a law enforcement or military entity.

7 (d) This section shall not apply to the manufacture or
8 importation of undetectable knives for sale to federal, state, and
9 local historical societies, museums, and institutional collections
10 which are open to the public, provided that the undetectable knives
11 are properly housed and secured from unauthorized handling, nor
12 shall this section apply to the subsequent sale of the knives to these
13 societies, museums, and collections.

14 ~~added to Part 4 of the Penal Code, to read:~~

15
16 ~~TITLE 6.7. DEVELOPING INCREASED SAFETY~~
17 ~~THROUGH ARMS RECOVERY MANAGEMENT (DISARM)~~
18 ~~PROGRAM~~
19

20 ~~13940. (a) This act shall be known and may be cited as the~~
21 ~~Developing Increased Safety through Arms Recovery~~
22 ~~Management (DISARM) program.~~

23 ~~(b) The Legislature finds and declares the following:~~

24 ~~(1) California has taken far reaching steps to limit the sale and~~
25 ~~manufacture of assault weapons and cheap handguns, to limit~~
26 ~~purchases at gun shows, and to ensure that only law abiding~~
27 ~~citizens are able to purchase guns.~~

28 ~~(2) In order for these laws to have their maximum intended~~
29 ~~effect, it is vital that law enforcement officials be given the tools~~
30 ~~to enforce the provisions of these laws.~~

31 ~~(3) In Los Angeles County alone over 19,000 adult~~
32 ~~probationers and more than 10,000 juvenile probationers are~~
33 ~~prohibited from possessing firearms and are subject to warrantless~~
34 ~~search and seizure for firearms by law enforcement officers.~~

35 ~~(4) Due to limited probation department resources, as many as~~
36 ~~65 percent of these high-risk probationers are on “banked”~~
37 ~~caseloads, caseloads with probationer to officer ratios of at least~~
38 ~~1,000 to one. These high caseloads make direct supervision and~~
39 ~~enforcement of the court ordered conditions of probation~~
40 ~~impossible.~~

~~(5) According to the Office of Juvenile Justice and Delinquency Prevention in 1996 more than 34,000 people died in the United States from gunshot wounds.~~

~~(6) According to the United States Department of Justice, each day in the United States, 93 people die from gunshot wounds and 240 sustain gunshot injuries.~~

~~(7) Several other states, including Massachusetts and New York have established “Night Lights” and “Operation Night Watch” respectively. These programs emphasize and support collaboration among police, sheriff, probation, and the district attorney to seize guns and remove them from the hands of convicted criminals on probation.~~

~~13941. Funds appropriated for purposes of this title shall be used to support local efforts to more actively enforce compliance with firearm laws and court ordered conditions of probation prohibiting the possession of guns.~~

~~13942. Each participating county shall establish a Developing Increased Safety through Arms Recovery Management (DISARM) Team, which shall be comprised of the county sheriff, at least one police chief from the county, the district attorney, and the chief probation officer.~~

~~13943. The DISARM Team in every county shall establish strategies, standards, and procedures, consistent with the guidelines in this section, to assist probation officers in removing guns from high-risk probationers in the community.~~

~~13944. Expenditure of funds shall be limited to plans that target probationers with at least one conviction for any of the following crimes:~~

~~(a) Any crime listed in subdivision (c) of Section 667.5.~~

~~(b) Any crime listed in subdivision (c) of Section 1192.7.~~

~~(c) Any crime specified in paragraph (1) of subdivision (c) of Section 12021.~~

~~(d) Brandishing a firearm or deadly weapon, as provided in Section 417.~~

~~(e) Domestic violence, as provided in subdivision (c) of Section 243 and subdivision (a) of Section 273.5.~~

~~(f) Stalking, as defined in Section 646.9.~~

~~(g) Intimidating a witness or victim, as provided in Section~~

~~136.1.~~

~~(h) Threatening to commit a crime that will result in great bodily injury, as provided in Section 422.~~

~~(i) Any discharge of a firearm pursuant to Section 246, 246.3, or 247.~~

~~(j) Any offense involving the use or unlawful possession of a firearm or other deadly weapon.~~

~~(k) Any crime involving physical injury or the threat of physical injury to any person.~~

~~13945. All locally developed program outcomes shall be able to demonstrate, at a minimum:~~

~~(a) Lower probationer to probation officer ratios in offender target classes.~~

~~(b) An increase in the number of weapons seized.~~

~~(c) An increase in the ability of probation officers to actively enforce the conditions of probation as ordered by the court.~~

~~(d) An increase in multiagency collaboration that contributes to more guns being taken out of the hands of criminal offenders.~~

~~13946. Funds shall be allocated by the Board of Corrections directly to the county probation department, which shall administer the fund, pursuant to the direction of the DISARM Team.~~

~~13947. The Board of Corrections shall develop a research design for assessing the effectiveness of the DISARM program. Utilizing that research design, each participating county DISARM Team shall submit a copy of its plan and an annual report to the board, beginning not later than January 15, 2003, describing at a minimum:~~

~~(a) Total number and types of guns confiscated.~~

~~(b) Amount, type, and value of illegal drugs confiscated.~~

~~(c) Number of face-to-face field contacts with target population probationers.~~

~~(d) Number of searches conducted.~~

~~(e) Number of arrests made and their dispositions.~~

~~(f) Number of probation violations filed and their dispositions.~~

~~(g) Any applicable recidivism rates.~~

~~The board shall submit a final report to the Governor and the Legislature on the effectiveness of the DISARM program by January 1, 2005.~~

~~13948. The board may award up to a total of twenty-five million dollars (\$25,000,000) in individual grants on a~~

~~competitive basis to counties to assist in the development of DISARM Teams. Participating counties shall provide a 25 percent match to the grant funds, and the match may be in any combination of dollars or in kind services, personnel, facilities, or supplies.~~

~~13949. Funds shall be appropriated one time but may be expended over a four year period. Funds shall be used to supplement existing programs and in no case shall funds be used to supplant existing programs.~~

~~13950. In no case shall a county be required to participate, if, by a majority of the members of a county DISARM Team, participation in that program would result in a negative impact on existing programs or services provided in that county.~~

~~13951. In the event a DISARM Team opts not to participate in the program, funds shall revert to the board and the board shall establish a DISARM Contingency Fund. Participating DISARM Teams may petition the board, and the board shall make a determination based on merit, for distribution of any excess funds.~~

~~13952. In no case shall an agency represented on the DISARM Team be required to participate in the program if, in the determination of the chief officer of that department, participation in the DISARM program would result in a negative impact on existing programs and services. The determination by one agency in the county not to participate shall not require the entire county to forfeit participation in the DISARM program.~~

~~13952.5. No peace officer shall participate in the DISARM program, or on any DISARM team, unless that officer receives appropriate firearms training and unless each officer on the team is authorized while on duty to carry a firearm and wear a protective vest during DISARM related activities.~~

~~13953. Up to 2 percent of the total funds appropriated for purposes of this title may be allocated by the board for duties associated with the DISARM program.~~

~~13954. This title shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.~~

~~SEC. 2. A title heading is added immediately preceding Section 13980 of Part 4 (commencing with Section 13980) of the Penal Code, to read:~~

1 ~~TITLE 6.8. COMPUTER FORENSICS CENTER~~

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3 ~~SEC. 3. Section 1 of this act shall become operative only upon~~
4 ~~an appropriation in the 2001-02 Budget Act to local law~~
5 ~~enforcement agencies for the purposes described therein.~~

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